

REMARKS

Applicants have carefully reviewed the Office Action mailed on December 1, 2009. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. With this amendment, claims 40, 49, and 50 are amended. No new matter is added. Claims 40-47, 49, and 50 are presented for examination.

Claim Rejections Under 35 U.S.C. §102

Claims 40-47, 49, and 50 are rejected under 35 U.S.C. §102(b) as being anticipated by Letendre et al. in U.S. Patent No. 6,214,036. Applicants respectfully traverse the rejection.

Regarding claims 40-47, claim 40 is amended to recite that inner shaft has an outer surface, that the outer shaft has an inner surface, and that the self-expanding stent is positioned between the outer surface of the inner shaft and the inner surface of the outer shaft. Letendre et al. does not appear to teach or suggest these limitations. Instead, the so-called "outer shaft" and "inner shaft" (namely, the apex 50 and the porous embolic capturing unit 60, respectively, as identified in the Office Action) do not appear to have the recited inner and outer surfaces with a self-expanding stent (which was apparently equated with the entire over-the-wire interlock attachment/detachment mechanism 10 in the Office Action) positioned therebetween. Based on at least this distinction, Applicants respectfully submit that amended claim 40 is patentable over the cited art. Because claims 41-47 depend from claim 40, they are also patentable for the same reasons as claim 40 and because they add significant elements to distinguish them further from the art.

Regarding claims 49 and 50, each of these claims is similarly amended to recite that the self-expanding stent is positioned between the outer surface of the inner shaft and the inner surface of the outer shaft. For reasons similar to those set forth above in relation to claim 40, Applicants respectfully submit that these amendments distinguish claims 49 and 50 from the cited art.

Conclusion

Further examination and withdrawal of the rejections is respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their Attorney,

Date: _____

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